

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6642

BILL NUMBER: HB 1129

NOTE PREPARED: Jan 24, 2007

BILL AMENDED: Jan 23, 2007

SUBJECT: Prohibition of Serial Meetings.

FIRST AUTHOR: Rep. Stilwell

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that members of a governing body who participate in a series of gatherings either in person or by electronic means (excluding electronic mail) violate the Open Door Law if: (1) at least two but less than a quorum of members attend each gathering; (2) the total sum of different members attending all gatherings equals at least a quorum of the governing body; (3) all the gatherings concern the same subject matter and are held within a period of not more than seven consecutive days; and (4) the gatherings are held for the purpose of taking official action on public business.

The bill provides that a series of gatherings does not constitute a serial meeting in violation of the Open Door Law if: (1) each gathering is attended by the presiding officer of the governing body and not more than one other member of the governing body; and (2) the purpose of the gathering is only to receive information and not for the purpose of taking any other official action on public business.

It provides that the following do not constitute a meeting for purposes of the Open Door Law: (1) A meeting between one member of the governing body and at least one other individual who is not a member of the governing body concerning public business; (2) a gathering to receive information about industrial or commercial prospects that does not include a discussion of the terms of a request or an offer of public financial resources; (3) a gathering for the sole purpose of administering an oath of office to an individual; or (4) any on-site inspection of facilities of applicants for incentives or assistance from the governing body. It also provides that interviews and negotiations with industrial or commercial prospects by the governing body of a political subdivision may be held in executive session.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: The bill allows an action to be filed by any person in any court of competent jurisdiction to declare void any policy, decision, or final action that is based in whole or in part upon official action taken at any series of gatherings in violation if members of the governing body and the series of gatherings meet certain criteria.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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